

COPY

VIRGINIA: IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

GERALDINE SUE SAFFLE,
Plaintiff,

v.

Case No. _____

KROGER LIMITED PARTNERSHIP I,

and

THE KROGER CO.

Defendants.

COMPLAINT

Please serve:

Kroger Limited Partnership I
c/o Corporation Service Company, Registered Agent
100 Shockoe Slip, Fl 2
Richmond, VA 23219

The Kroger Co.
c/o Corporation Service Company, Registered Agent
100 Shockoe Slip, Fl 2
Richmond, VA 23219

COMES NOW the Plaintiff, Geraldine Sue Saffle ("Saffle" or "Plaintiff"), by counsel,
and moves for judgment against Kroger Limited Partnership, I and The Kroger Co.
("Defendants"), on the grounds and in the amount as hereinafter set forth:

1. The Defendants are corporations licensed to do business within the Commonwealth of Virginia. Upon information and belief the Defendants are the owners and operators of a Kroger store, located at 1322 South Main Street, Blacksburg, Virginia 24060.
2. On or about January 16, 2019, Saffle was an invitee and customer of Kroger at its Blacksburg store.

EXHIBIT

A

3. As the owners and operators of Kroger, a place of business to which the general public is invited, it is the duty of the Defendants, its agents and employees to maintain its premises in a reasonably safe condition; to make reasonable inspections; to warn the public of any defects which it knew or should have known about and to otherwise use ordinary care and diligence to keep its premises in a reasonable safe condition for its intended use and free from all defects and conditions which would render it dangerous and unsafe for business invitees (the "Duties").

4. Notwithstanding its aforementioned Duties, the Defendants, its agents and employees carelessly, recklessly, negligently, willfully and wantonly allowed a small pothole to form and remain in the parking lot of said premises, in an area where invitees of its store customarily walk to enter and exit the store. The Defendants, its agents and employees knew or in the exercise of reasonable care should have known the pothole was in the parking lot.

5. Also, notwithstanding its aforementioned Duties, the Defendants, its agent and employees carelessly, recklessly, negligently, willfully and wantonly, failed to properly maintain their parking lot and allowed the pothole to form in the parking lot; thereby causing a dangerous condition to exist on its premises in an area where invitees customarily walk. The agents and employees knew or in the exercise of reasonable care should have known that the pothole had formed in the parking lot and could be a danger and/or cause harm to its customers.

6. Notwithstanding its Duties to do so, as the owners and operators of Kroger, a place of business to which the general public is invited, the Defendants breached its aforementioned Duties by carelessly, recklessly, negligently, willfully and wantonly, failing to warn the public of the dangerous and hazardous condition caused by the pothole in the parking

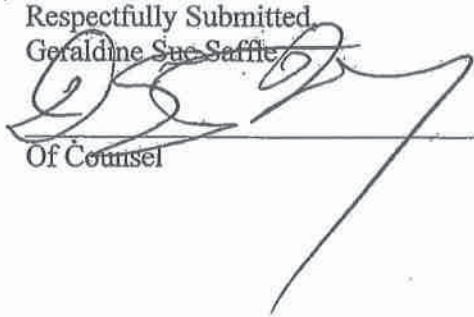
lot and by otherwise carelessly, recklessly and negligently allowing the pothole to remain there without notice to its customers or repair.

7. On or about January 16, 2019, as a direct and proximate result of Defendants' negligence and breach of said Duties, as Saffle was walking to enter the store the wheel of her shopping cart entered the pothole, causing the cart to overturn. As a result Saffle fell over the shopping cart, resulting in serious bodily injuries.

8. As a direct and proximate result of the defendant's actions, the plaintiff was caused to sustain serious and permanent injuries. Plaintiff will continue to suffer great pain to body and mind, including excruciating and agonizing pains, aches, mental anguish, emotional distress, humiliation and limitation in restriction of her usual duties, pursuits and pleasures and has sustained permanent scarring and has incurred and will incur in the future hospital, doctors' and related bills in an effort to be cured of these injuries.

WHEREFORE, the Plaintiff demands judgment against the Defendants in the sum of Seven Hundred Fifty Thousand Dollars and 00/100 (\$750,000), plus interest from January 16, 2019, and her costs expended in this action.

A TRIAL BY JURY IS DEMANDED.

Respectfully Submitted,
Geraldine Sue Saffle
By: 
Of Counsel

D. Stephen Haga, Jr. (VSB# 19125)
THE HAGA LAW FIRM, PLC
27 Scattergood Drive, NW
Christiansburg, VA 24073
Phone: (540) 382-6321
Fax: (540) 381-2884
Attorney for Plaintiff

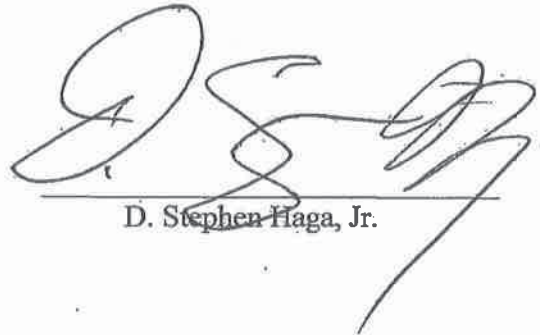
CERTIFICATE OF MAILING

I, D. Stephen Haga, Jr., hereby certify that on this 30th day of October 2020, the foregoing Complaint was mailed, postage prepaid, via USPS to:

Kroger Limited Partnership I
c/o Corporation Service Company, Registered Agent
100 Shockoe Slip, Fl 2
Richmond, VA 23219

The Kroger Co.
c/o Corporation Service Company, Registered Agent
100 Shockoe Slip, Fl 2
Richmond, VA 23219

Desirae Brown
Sedgwick
P.O. Box 14452
Lexington, KY 40512

A handwritten signature in black ink, appearing to read "D. Stephen Haga, Jr.", is written over a horizontal line. The signature is stylized with large loops and a long trailing stroke.

D. Stephen Haga, Jr.